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SUBJECT: SENATOR KERRY MEETS WITH UNMIS SRSG QAZI AND AEC CHAIRMAN  
PLUMBLY

Refs: A) Khartoum 512  
B) Khartoum 477  
C) Khartoum 306

11. (SBU) Summary. Assessment and Evaluation Commission (AEC) Chairman and former UK Ambassador to Egypt Sir Derek Plumbly and UNMIS Special Representative to the Secretary General (SRSG) Ashraf Qazi told Senator John Kerry that the USG should continue its course of positive engagement and its leverage with the Government of Sudan (GoS) and use it to urge both the North and the South to urgently implement the CPA. Qazi and Plumbly noted that since the signing of the CPA, the National Congress Party (NCP), the Sudan People's Liberation Movement (SPLM), and the international community have shifted their attention away from the north/south peace agreement and focused instead on other issues such as the ICC and Darfur. They urged that all parties not lose sight of the importance of CPA implementation (nor the potentially disastrous consequences if it fails), and warned that potential north/south flashpoints such as border demarcation, Abyei, and post-2011 wealth-sharing must be solved before the 2011 southern Sudan referendum. Chairman Plumbly applauded Special Envoy Gration's idea of instituting high-level trilateral (USG, NCP, and SPLM) talks to get movement on CPA implementation. Both diplomats said that now is the time for the U.S. to make progress on the CPA implementation and other issues, particularly with the NCP, and recommended that the USG do so by using carrots rather than sticks. End Summary.

ENCOURAGE THE PARTIES TO RE-FOCUS ON THE CPA

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12. (SBU) The strong message conveyed to SFRC Chairman John Kerry by both UNMIS SRSG Ashraf Qazi and AEC Chairman Sir Derek Plumbly was that the U.S. must find a way to encourage the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) to re-focus on and re-commit to the 2005 Comprehensive Peace Agreement (CPA). On April 16, AEC Chairman Plumbly told Kerry that the attention of both parties, as well as the international guarantors of the CPA, has shifted away from CPA implementation to the more immediate pressures of Darfur and the ICC. With only 20 months left until the 2011 referendum on self-determination for the South (and the end of the CPA's interim period), neither of the parties can afford to be distracted from implementing vital pieces of the agreement that are imperative to keeping the north/south peace. If the CPA is ignored and ultimately unravels, and there is a return to war, Sudan could face a huge humanitarian catastrophe, warned AEC Chairman Plumbly.

13. (SBU) Plumbly described the partnership between the NCP and the SPLM as "ragged", plagued by great mistrust and skepticism. Both parties easily misread signals, he said. Neither party desires a return to war because of the economic and developmental ramifications it would have, but they consistently try to undermine

each other politically, he continued. SRSQ Qazi agreed that neither the SPLM nor the NCP want a return to war, but pointed out that the parties are not always in control of what happens on the ground. "Tensions build at the local level and draw in elements of the Sudan Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA), their headquarters, and hardliners within the parties" and incidents occur that the parties are not able to control, he explained.

14. (SBU) Plumbly told Senator Kerry that he should highlight the importance of engagement in his meetings with the NCP. Special Envoy Gration "helped us [the international community] recover from our loss of credibility" due to the ICC indictment of GNU President Al-Bashir, thus you should engage with the parties on the CPA deliverables that immediately need to be handled: the census outcome, the results of the Abyei arbitration, wealth-sharing, and border demarcation. Plumbly characterized border demarcation and Abyei as the most difficult items for the parties to resolve (the Abyei issue also requires border demarcation). He noted that while wealth-sharing has been the most successfully-implemented CPA benchmark to date, its functionality is in jeopardy because of the worldwide economic crisis coupled with falling oil prices, which has left Sudan with very little money, and both the North and the South in bad economic shape (particularly the South). Plumbly stated that at the end of 2008, the North owed the South approximately USD 306 million in oil arrears (which have still yet to be paid). According to the Chairman, managing the census outcome will be the least difficult CPA benchmark for the parties to achieve because of a political deal for power-sharing they have already worked out. He warned, however, that "All of these things put the elections and the referendum at risk if they are not resolved."

15. (SBU) SRSQ Qazi emphasized that it is also important for the

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parties to resolve pending legislation on media/press, national security, and the referendum. Reformed legislation on media/press and national security will increase the capacity for free and fair elections. Qazi stated that the parties should be encouraged to reach agreement very soon on the referendum law for southern Sudan. Currently, there is no movement on the law because the NCP has demanded that the SPLM negotiate on post-2011 arrangements for oil revenue sharing, water-sharing, debt repayment, and other items before agreeing to the modalities of the law (i.e. - who has the right to vote in the referendum, where the Referendum Commission should be based, the make-up of the Commission, etc.). If the referendum law is not passed soon, the referendum risks being conducted significantly behind schedule, just like the national elections. [Note: The CPA envisioned elections by July 2009, but they have been rescheduled for February 2010 due to GNU legislative delays and a lack of will by both parties to hold elections at all. End note]. Both Qazi and Plumbly noted that the outcome of the referendum vote for southern Sudan will almost certainly result in separation.

#### SUPPORT FOR A USG-LED TRILATERAL CPA MECHANISM

16. (SBU) Plumbly provided an overview of the consensus-based AEC structure for Senator Kerry. He said that the AEC has found that the only way to move things forward between the parties is to avoid apportioning blame. The only real AEC achievement he could point to during his time as Chairman was the group's submission of a mid-term report. He added that the AEC has also been useful in bringing the parties to the table when an urgent crisis - such as the May 2008 fighting in Abyei and the April 2008 delay of the census by the South - occurred. Kerry asked Plumbly if it would be helpful for the USG to engage the SPLM and the NCP in a consistent high-level three-party discussion on CPA implementation. Plumbly responded that such a mechanism would be "extremely helpful," and pledged that the AEC would cooperate with such a structure. "The ICC indictment of Bashir caused the international community to lose most of its leverage with the Government of Sudan (GoS)," said Plumbly. "SE Gration's visit restored a great deal of that leverage," he continued. With Gration's visit and offer of U.S. engagement with the GoS, the "North expects that things could get better for them" even after the blow of the ICC. Plumbly said the international community dealt a blow to the GoS regime with "the biggest stick it

could craft" by indicting GoS President Al-Bashir. Plumbly noted that (likely) as a result the wounded Bashir did not once mention the word "CPA" in his opening speech to Parliament on April 13, partly as a punishment to the SPLM for its stance on the ICC issue (ref A). Al-Bashir did, however, have good things to say about the Obama Administration. This is the time for the USG to use carrots, not sticks, Plumbly recommended.

#### THE DARFUR FACTOR

17. (SBU) Senator Kerry asked Plumbly and Qazi how Darfur, and in particular the Justice and Equality Movement (JEM) rebel group, might play into an unraveling CPA scenario. Qazi noted that JEM would certainly capitalize on such a turn of events and referred to JEM's April 2008 attack on Omdurman, which took even the GoS by surprise. JEM is "essentially a military force" based in Chad that has very little political support in Sudan and even in Darfur, said Qazi. It constitutes an isolated military threat, but not a political threat, to the NCP. CDA Fernandez added that while the NCP seeks to "neutralize" JEM, the SPLM "plays footsie" with it (and other rebel groups) in event of a serious negative turn in relations with the North. CDA made the point that both the NCP and the SPLM look at the bigger (north/south) picture when deciding how to engage with the rebels.

18. (SBU) Senator Kerry asked the AEC Chairman and the SRSG what it would take to restore humanitarian aid capacity to 100 percent in Darfur following the GoS' expulsion of 13 INGOs and dissolution of three national NGOs on March 4 (refs B and C). Qazi noted that SE Gration's effort to bring four reconstituted NGOs back (Qazi was briefed on this plan by DSRSG for Humanitarian Affairs Ammerah Haq) will cover a considerable part of the gap that was created by the expulsions. Qazi stated that at no stage will the GoS reverse its decision regarding the expelled NGOs, but guessed that if 10 of the 13 expelled organizations could be brought back to Sudan in one form or another, 100 percent capacity would be restored. He added that the international community's primary goal should be to "make sure that the vulnerable population does not suffer as a result" of the GoS' expulsions. Senator Kerry said that he would convey a message to GoS officials that the USG would consistently track the humanitarian situation in Darfur.

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#### WAYS THE USG CAN HELP MOVE CPA IMPLEMENTATION FORWARD

19. (SBU) Plumbly and Qazi told Senator Kerry that without a doubt, the U.S. has the greatest leverage with both CPA parties to push the process of CPA implementation (and other things, like Darfur) forward. Plumbly said that China, because of its investment in Sudan, comes second, with the EU countries collectively a close third. Qazi noted that the influence of Arab Gulf States and African Union countries should not be discounted, particularly since the ICC indictment. CDA Fernandez noted that different players have different ties with the parties on different issues. For example, Ethiopia and Uganda have clout with and support the SPLM, while Kenya and South Africa play a more balanced game with the CPA partners.

10. (SBU) Senator Kerry asked the two diplomats what he should push for with the parties during his visit. SRSG Qazi recommended that Kerry link all issues to the CPA and note that the future of the CPA is in jeopardy because of its non-implementation. Furthermore, the parties should be reminded that they own the CPA process, but there are other stakeholders willing to help them succeed in its implementation (namely the international guarantors of the CPA). Qazi said that it is important that the USG reach out to both CPA parties "on an equal basis." He recommended that the USG and other external players deal with the issue of the ICC "quietly and privately." "Don't jeopardize justice for peace," he advised. Plumbly added that the USG should allow the NCP to see "the light at the end of the tunnel (in whatever form that may take)" while prodding it to move forward on CPA implementation and other issues. He also remarked that the USG should find a way to encourage the parties to "come back to the CPA." "You turned a new page" for this regime, said Plumbly. "You resumed engagement with the regime

almost immediately after the ICC indictment, which is critical." You also have a new Administration, he added. Both Qazi and Plumbly urged the Senator to take advantages of this positive new engagement to move the parties forward on CPA implementation and developing arrangements for a peaceful pre-and post-2011.

¶12. (SBU) Comment: Plumbly and Qazi both raised serious and immediate concerns - that unless CPA implementation becomes a priority for the parties and the international community, there is a real and present danger of it failing - and there are many issues that could trigger this at any time. Given the GoS' perceived acceptance of the Obama Administration and Special Envoy Gration, the USG should capitalize on the cautious good graces it finds itself in to get real movement (not just verbal recommitment) on CPA milestones from both the NCP and the SPLM in order to help Sudan from suffering a repeat of the north-south conflict that could this time be exacerbated by the crisis in Darfur and the nefarious intentions of some neighboring nations. The creation of a high-level trilateral dialogue on CPA issues with the parties is a good first step in the right direction, if the CPA parties will truly commit to it. End Comment.

FERNANDEZ